

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of  
NISHIDA  
Serial No. 09/986,987  
Filed: November 13, 2001  
For: ASHING METHOD

Conf. No.: 6028  
Atty. Ref.: 900-407  
TC/A.U.: 1763  
Examiner: Olsen, A.

\*\*\*\*\*

March 10, 2008

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed February 8, 2008, and in accordance with 37 CFR §41.37, Applicant now submits a revised Appeal Brief, having previously filed on December 28, 2006 an Appeal Brief and on August 1, 2006 a Notice of Appeal appealing the Final Rejection of claims 1-4, 8-11, 13, 14, 16-19, 22 and 23 as set forth in the Final Office Action of March 1, 2006. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on October 2, 2004.

For any fees due herewith and not otherwise paid, including but not limited to the appeal brief fee of 37 CFR §41.20(b)(2) and extension of time fee, the Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

**TABLE OF CONTENTS**

(I)	REAL PARTY IN INTEREST .....	3
(II)	RELATED APPEALS AND INTERFERENCES.....	3
(III)	STATUS OF CLAIMS .....	3
(IV)	STATUS OF AMENDMENTS .....	3
(V)	SUMMARY OF CLAIMED SUBJECT MATTER .....	4
(VI)	GROUND OF REJECTION TO BE REVIEWED ON APPEAL.....	6
(VII)	ARGUMENT .....	7
(VIII)	CLAIMS APPENDIX.....	11
(IX)	EVIDENCE APPENDIX	15
(X)	RELATED PROCEEDINGS APPENDIX	16

**(I) REAL PARTY IN INTEREST**

The real party in interest is Sharp Kabushiki Kaisha, a corporation of the country of Japan.

**(II) RELATED APPEALS AND INTERFERENCES**

The appellant, the undersigned, and the assignee are not aware of any related appeals, interferences, or judicial proceedings (past or present), which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

**(III) STATUS OF CLAIMS**

Claims 1-4, 8-11, 13, 14, 16-19, 22 and 23 are pending and have been rejected on prior art grounds. Claims 1, 13 and 16-19 have also been objected to as allegedly containing an informality. Claims 5 - 7, 12, 15, and 20-21 have been cancelled. No claims have been substantively allowed.

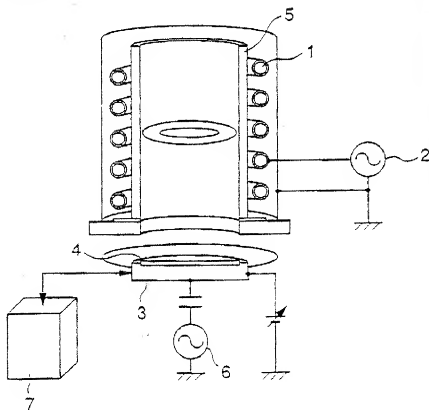
**(IV) STATUS OF AMENDMENTS**

In response to the Final Office Action mailed March 1, 2006, Applicants filed a Notice of Appeal and Pre-Appeal Brief Request For Review on August 1, 2006. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on October 2, 2004, indicating that Applicant should proceed with the appeal.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

The claims on appeal concern a semiconductor process known as ashing. Apparatus employed by the ashing method of the independent claims is illustrated in Fig. 1, which is reproduced below. Specification page and line numbers are denoted in the ensuing summary as [x:y-z], where x refers to the page number and y and z represent line numbers.

FIG. 1



The method of Applicant's independent claim 1 comprises holding a substrate (4) [4:14 - 5:1] having a resist mask [5:14-24] formed on a low dielectric constant insulating film [5:2-13; 9:11-21] in a chamber (5) of an ashing apparatus [5:25 - 6:25; 9:2-10]. An RF electric power [5:25 - 6:25; 7:12-16] is applied (as shown at 2 in Fig. 1) to activate an almost pure oxygen gas [7:1-11] introduced in the chamber (5) in order to perform ashing of the resist mask, while an RF electric power [5:25 - 6:25; 7:17-24] is applied (as

shown by 6 in Fig. 1) to the substrate (4), thereby obtaining formation of a protective film on a surface of the low dielectric constant insulating film [10:10-20].

Applicant's independent claim 1 further requires that a ratio ( $W_s/W_b$ ) of the RF electric power ( $W_s$ ) for activating the almost pure oxygen gas to the RF electric power ( $W_b$ ) applied to the substrate be set so that the change rate of the dielectric constant of the low dielectric constant insulating film before and after ashing is 10 % or less [3:7-11; 11:11- 12:4; 13:7- 14:4]. Independent claim 1 also specifies that the ratio ( $W_s/W_b$ ) is controlled to be 5 or less [7:25- 8:8; 13:16-20]

Independent claim 13 is differently structured linguistically, but includes a further limitation that its steps (1) – (4) are performed in a manner substantially to avoid bonding that would substantially change a dielectric constant of the low dielectric constant insulating film [10:10-16; 11:24 – 12:4; 12:21 – 13:6]. The steps of independent claim 13 include:

- (1) situating a substrate (4) [4:14 – 5:1] having a resist mask [5:14-24] formed on a low dielectric constant insulating film [5:2-13; 9:11-21] in a chamber (5) of an ashing apparatus [5:25 – 6:25; 9:2-10];
- (2) introducing an almost pure oxygen gas [7:1-11] into the chamber (5);
- (3) applying an RF electric power [5:25 – 6:25; 7:12-16] to activate the almost pure oxygen gas;
- (4) applying RF electric power [5:25 – 6:25; 7:17-24] to the substrate while performing step (3).

Like independent claim 1, independent claim 13 requires that a ratio ( $W_s/W_b$ ) of the RF electric power ( $W_s$ ) for activating the almost pure oxygen gas to the RF electric power ( $W_b$ ) applied to the substrate is controlled to be 5 or less [7:25- 8:8; 13:16-20] and so that the change rate of the dielectric constant of the low dielectric constant insulating film before and after ashing is 10 % or less. [3:7-11; 11:11- 12:4; 13:7- 14:4].

Independent claim 19 resembles independent claim 1, but includes the further limitation that the RF electric power (Ws) for activating the almost pure oxygen gas is 1000 W or less [7:12-24; 922-10:3].

Thus, all independent claims require that (1) a ratio (Ws/Wb) be set so that the change rate of the dielectric constant of the low dielectric constant insulating film before and after ashing is 10 % or less; and (2) the ratio (Ws/Wb) is controlled to be 5 or less.

The claimed subject matter, including the claimed ratio, advantageously suppresses an increase in dielectric constant of the low dielectric constant insulating film which otherwise would be caused by ashing (see page 13, line 16 to page 14, line 4 of the specification). Applicant's steps, and the protective film which results therefrom, substantially avoids bonding that would change a dielectric constant of the low dielectric constant insulating film, i.e., substantially avoids at least one of Si-H bonding and H-OH bonding with the low dielectric constant insulating film.

**(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Whether the phrase "change rate of the dielectric constant" (as employed in claims 1, 13, 16 – 19) is objectionable based on the allegation stated in the final rejection of March 1, 2006, i.e., that the specification "addresses the change in the dielectric constant and not the rate at which the dielectric constant changes."

2. Whether claims 1-4, 8-11, 13, 14, 16-19, 22 and 23 are rendered unpatentable under 35 USC §103(a) by the combination of U.S. Patent 6,440,864 to Kropewnicki et al ("Kropewnicki") and U.S. Patent 5,453,157 to Jeng ("Jeng").

(VII) ARGUMENT

1. The phrase “change rate of the dielectric constant” is properly employed in claims 1, 13, 16 – 19 and is not objectionable.

On page 2, the final office action objects to the phrase “change rate of the dielectric constant” as employed in claims 1, 13, 16 – 19, alleging that the specification “addressed the change in the dielectric constant and not the rate at which the dielectric constant changes”.

The phrase “change rate of the dielectric constant” has been used throughout the course of this six-action prosecution, and by its context both in the specification and the claims is understood to refer to the degree of change of the dielectric constant of the low dielectric constant insulating film before and after ashing, such change being required to be 10 % or less.

The Merriam-Webster Online Dictionary defines the noun “rate” as:

**3 a** : a fixed ratio between two things **b** : a charge, payment, or price fixed according to a ratio, scale, or standard: as (1) : a charge per unit of a public-service commodity (2) : a charge per unit of freight or passenger service (3) : a unit charge or ratio used in assessing property taxes (4) *British* : a local tax

**4 a** : a quantity, amount, or degree of something measured per unit of something else <her typing *rate* was 80 words per minute> **b** : an amount of payment or charge based on another amount; *specifically* : the amount of premium per unit of insurance.

Note particularly definition 3a: a fixed ratio between two things

Applicant submits, therefore, that the phrase “change rate of the dielectric constant” is properly employed in claims 1, 13, 16 – 19 and is not objectionable.

**2. Claims 1-4, 8-11, 13, 14, 16-19, 22 and 23 are patentable under 35 USC §103(a) over the alleged the combination of U.S. Patent 6,440,864 to Kropewnicki et al (“Kropewnicki”) and U.S. Patent 5,453,157 to Jeng (“Jeng”)**

Kropewnicki fails to disclose a ratio  $W_s/W_b$  set so that the change of the dielectric constant before *and* after ashing is 10 % or less. Thus, the claimed subject matter is not anticipated by Kropewnicki.

In the above regard, page 7, lines 61-66 of Kropewnicki describe “low dielectric constant, such as a dielectric constant less than about 3.2, and more preferably, less than about 3.0”. In view of this description, the office action alleges “the dielectric constant of a material with the preferred dielectric constant of 3.0 cannot change by  $\geq 10$  % because this would result in a dielectric constant that exceeds Kropewnicki’s upper limit of 3.2” (see page 4, last paragraph of the Office Action).

A correct interpretation of col. 7, lines 53 – col. 8, lines 54 of Kropewnicki, is that it describes the preferred starting dielectric constant values of the Kropewnicki low dielectric 45. What Kropewnicki describes is a preferred initial value of 3.2 and a more preferred initial value of 3.0. The differential between a preferred initial value of 3.0 and a more preferred initial value 3.2 is inconsequential. Nowhere does Kropewnicki specify or suggest what the final dielectric constant should be, and therefore there is no basis to conclude what degree of dielectric change is or is not acceptable to Kropewnicki.



Thus, Kropewnicki only indicates a preferred initial dielectric constant of a dielectric material, and therefore does *not* indicate the *change* of the dielectric constant before and after ashing as the Examiner alleges. Kropewnicki has no motivation to achieve the claimed subject matter since he has no suggestion on the change in dielectric constant before and after ashing.

Applicant's independent claims also specify that the ashing gas is "almost pure oxygen gas", whereas Kropewnicki has an additive gas necessarily comprising  $\text{NH}_3$ . Therefore, Kropewnicki is *different* in gas type. There are various ramifications of Kropewnicki's use of  $\text{NH}_3$  which show that Kropewnicki is inimical to Applicant's independent claims. For example, the ashing gas of Kropewnicki is the additive gas, and therefore, it is more costly than Applicant's. Also, there is a possibility that, during ashing,  $\text{NH}_3$  might be reacted with a carbon atom comprised in a resist, and then highly toxic CN compounds might be formed. By contrast, since Applicant's ashing gas is almost pure oxygen gas, there is no possibility that the CN compounds might be formed.

As another major distinction, Kropewnicki fails to disclose suppressing the change in the film quality of low-k film. In Applicant's claims, a protective film comprising  $\text{SiO}$  suppresses the decrease of the dielectric constant of the low-k film (see page 10, lines 17-22).

Applicant's suppression differs from any method such as using  $\text{NH}_3$  in an ashing gas to replenish  $-\text{CH}_3$  in a low dielectric constant insulating film during ashing (and thereby possibly suppress decrease of the dielectric constant of the low-k film).

**CONCLUSION**

For reasons including the foregoing Applicant submits that the Examiner has erred in the rejections and objection leveled against Applicant's claims. A reversal of the Final Rejection is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:           /H. Warren Burnam, Jr./            
H. Warren Burnam, Jr.  
Reg. No. 29,366

HWB:lsb  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

(VIII) CLAIMS APPENDIX

1. (Previously Presented) An ashing method comprising the steps of:

holding a substrate having a resist mask formed on a low dielectric constant insulating film in a chamber of an ashing apparatus;

applying an RF electric power to activate an almost pure oxygen gas introduced in the chamber in order to perform ashing of the resist mask, while an RF electric power is applied to the substrate, thereby obtaining formation of a protective film on a surface of the low dielectric constant insulating film;

wherein a ratio ( $W_s/W_b$ ) of the RF electric power ( $W_s$ ) for activating the almost pure oxygen gas to the RF electric power ( $W_b$ ) applied to the substrate is set so that the change rate of the dielectric constant of the low dielectric constant insulating film before and after ashing is 10 % or less; and

wherein the ratio ( $W_s/W_b$ ) is controlled to be 5 or less.

2. (Original) The ashing method according to claim 1, wherein the RF electric power ( $W_b$ ) applied to the substrate is controlled to be a predetermined value or higher.

3. (Original) The ashing method according to claim 2, wherein the RF electric power ( $W_b$ ) is 150 W or higher.

4. (Previously Presented) The ashing method according to claim 1, wherein the RF electric power ( $W_s$ ) for activating the almost pure oxygen gas is 1000 W or less.

5. (CANCELLED)

6. (CANCELLED)

7. (CANCELLED)

8. (Original) The ashing method according to claim 1, wherein the substrate is set to a temperature of about 20°C or lower.

9. (Previously Presented) The ashing method according to claim 1, wherein the low dielectric constant insulating film formed on the substrate has a dielectric constant of 3.5 or less.

10. (Previously Presented) The ashing method according to claim 1, wherein the RF electric power applied for activation of the almost pure oxygen gas is supplied by a first power source and the RF electric power applied to the substrate is supplied by a second power source via a lower electrode formed in the chamber.

11. (Original) The ashing method according to claim 10, wherein the lower electrode supports the substrate and is controlled to have a predetermined temperature for maintaining the temperature of the substrate.

12. (CANCELLED)

13. (Previously Presented) An ashing method comprising the steps of:

(1) situating a substrate having a resist mask formed on a low dielectric constant insulating film in a chamber of an ashing apparatus;

(2) introducing an almost pure oxygen gas into the chamber;

(3) applying an RF electric power to activate the almost pure oxygen gas;

(4) applying RF electric power to the substrate while performing step (3);

wherein steps (2) - (4) result in formation of a protective film on a surface of the low dielectric constant insulating film and are performed in a manner substantially to avoid bonding that would substantially change a dielectric constant of the low dielectric constant insulating film; and

wherein a ratio ( $W_s/W_b$ ) of the RF electric power ( $W_s$ ) for activating the almost pure oxygen gas to the RF electric power ( $W_b$ ) applied to the substrate is controlled to be 5 or less and so that the change rate of the dielectric constant of the low dielectric constant insulating film before and after ashing is 10 % or less.

14. (Previously Presented) The ashing method according to claim 13, wherein steps (2) - (4) are performed in a manner substantially to avoid at least one of Si-H bonding and H-OH bonding with the low dielectric constant insulating film.

15. (CANCELLED)

16. (Previously Presented) The ashing method according to claim 13, wherein steps (2) - (4) are performed in a manner so that a rate of change of the dielectric constant of the low dielectric constant insulating film is less than about 10% when the RF electric power applied to the substrate in step (4) is at least about 150 W.

17. (Previously Presented) The ashing method according to claim 13, wherein steps (2) - (4) are performed in a manner so that a rate of change of the dielectric constant of the low dielectric constant insulating film is less than about 8% when the RF electric power applied to the substrate in step (4) is at least about 190 W.

18. (Previously Presented) The ashing method according to claim 13, wherein steps (2) - (4) are performed in a manner so that a rate of change of the dielectric constant of the low dielectric constant insulating film is less than about 5% when the RF electric power applied to the substrate in step (4) is at least about 250 W.

19. (Previously Presented) An ashing method comprising the steps of:

holding a substrate having a resist mask formed on a low dielectric constant insulating film in a chamber of an ashing apparatus;

applying an RF electric power to activate an almost pure oxygen gas introduced in the chamber in order to perform ashing of the resist mask, while an RF electric power is applied to the substrate, thereby obtaining formation of a protective film on a surface of the low dielectric constant insulating film;

wherein the RF electric power (Ws) for activating the almost pure oxygen gas is 1000 W or less; and

wherein a ratio (Ws/Wb) of the RF electric power (Ws) for activating the almost pure oxygen gas to the RF electric power (Wb) applied to the substrate is controlled to be 5 or less and so that the change rate of the dielectric constant of the low dielectric constant insulating film before and after ashing is 10 % or less.

20. (CANCELLED)

21. (CANCELLED)

22. (Previously Presented) The ashing method according to claim 13, wherein the low dielectric constant insulating film has a dielectric constant of 3.5 or less.

23. (Previously Presented) The ashing method according to claim 19, wherein the low dielectric constant insulating film is a low dielectric constant film has a dielectric constant of 3.5 or less.

**(IX) EVIDENCE APPENDIX**

Not Applicable

NISHIDA  
Serial No. 09/986,987

**RELATED PROCEEDINGS APPENDIX**

Not Applicable